

# GENERAL CONDITIONS OF PENSION

- **LIMITATIONS ON NUMBER OF PENSIONS**
- I. GOVT SERVANT SHALL NOT EARN TWO PENSIONS IN THE SAME SERVICE OR POST AT THE SAME TIME OR BY THE SAME CONTINUOUS SERVICE.
- II. TWO GOVT SERVANTS MAY NOT SIMULTANEOUSLY COUNT SERVICE IN RESPECT OF THE SAME OFFICE.
- III. A GOVT SERVANT WHO HAVING RETIRED ON SUPERANNUATION/RETIRING PENSION SHALL NOT BE ENTITLED TO A SEPARATE PENSION FOR THE PERIOD OF HIS RE EMPLOYMENT.

# PENSION SUBJECT TO FUTURE GOOD CONDUCT

.GOVT HAS THE RIGHT TO WITHHOLD/WITHDRAW PENSION OR ANY PART OF IT IF THE PENSIONER IS FOUND GUILTY OF SERIOUS CRIME OR GRAVE MISCONDUCT.

## **CONDITIONS:**

- SHALL NOT BE LESS THAN MINIMUM PENSION
- PENSIONER SHALL BE SERVED WITH A NOTICE CALLING UPON HIM TO SUBMIT WITHIN FIFTEEN DAYS ANY REPRESENTATION AGAINST THE PROPOSAL.
- PRIOR APPROVAL OF GOVERNER
- RPSC SHALL BE CONSULTED BEFORE THE ORDER IS PASSED.
- SHALL NOT BE IN RESPECT OF ANY EVENT WHICH TOOK PLACE MORE THAN FOUR YEARS BEFORE SUCH INSTITUTION.

- ⦿ PROVISIONAL PENSION UNDER RULE 90.
- ⦿ MINOR PENALTY PROCEEDINGS HAVE NO EFFECT ON PENSION.

- ◉ CLAIM TO PENSION IS INADMISSIBLE IN FOLLOWING CASES-
- ◉ WHEN GOVT SERVANT IS APPOINTED FOR A LIMITED TIME /SPECIFIED DUTY ON THE COMPLETION OF WHICH HE IS TO BE DISCHARGED.
- ◉ WHEN A PERSON IS EMPLOYED TEMPORARILY ON MONTHLY WAGES.
- ◉ WHEN A PERSON'S WHOLE TIME IS NOT RETAINED FOR PUBLIC SERVICE.
- ◉ WHEN A GOVT SERVANT WORKS UNDER A COVENANT WHICH CONTAINS NO STIPULATIONS REGARDING PENSION.

## COMMERCIAL EMPLOYMENT AFTER RETIREMENT(RULE 9,RCS PENSION RULES 1996)

- ◉ COMMERCIAL EMPLOYMENT MEANS AN EMPLOYMENT IN ANY CAPACITY INCLUDING THAT OF AN AGENT UNDER A COMPANY , COOPERATIVE SOCIETY,FIRM OR INDIVIDUAL ENGAGED IN TRADING, COMMERCIAL, INDUSTRIAL, FINANCIAL OR PROFESSIONAL BUISNESS AND INCLUDES ALSO A DIRECTORSHIP OF SUCH COMPANY AND PARTNERSHIP OF SUCH FIRM BUT DOES NOT INCLUDE PARTNERSHIP UNDER A BODY CORPORATE WHOLLY OR SUBSTANTIALLY CONTROLLED BY THE STATE/CENTRAL GOVT.
- ◉ SETTING UP PRACTICE EITHER INDEPENDENTLY OR AS A PARTNER OF A FIRM AS ADVISOR OR CONSULTANT IN MATTERS IN RESPECT OF WHICH A PENSIONER -
  - I. HAS NO PROFESSIONAL QUALIFICATION AND THE PRACTICE IS SET UP OR IS CARRIED ON OR ARE RELATABLE TO HIS OFFICIAL KNOWLEDGE.
  - II. HAS PROFESSIONAL QUALIFICATION BUT HIS PRACTICE IS LIKELY TO GIVE HIS CLIENTS AN UNFAIR ADVANTAGE BY VIRTUE OF HIS PREVIOUS OFFICIAL POSITION.
  - III. HAS TO UNDERTAKE WORK INVOLVING LIAISON OR CONTACT WITH THE OFFICES /OFFICERS OF THE GOVT.

- A PENSIONER WHO WISHES TO ACCEPT ANY COMMERCIAL EMPLOYMENT BEFORE THE EXPIRY OF TWO YEARS FROM THE DATE OF HIS RETIREMENT, HE SHALL OBTAIN THE PREVIOUS SANCTION OF THE GOVERNMENT TO SUCH ACCEPTANCE BY SUBMITTING AN APPLICATION IN FORM NO 25.
- GOVT MAY BY AN ORDER IN WRITING ,GRANT PERMISSION OR REFUSE FOR REASONS TO BE RECORDED ON FILE, PERMISSION FOR SUCH AN EMPLOYMENT.

- IN GRANTING/REFUSING PERMISSION FOLLOWING FACTORS SHALL BE TAKEN INTO CONSIDERATION-
  1. NATURE OF EMPLOYMENT AND DETAILS OF THE EMPLOYER.
  2. WHETHER HIS DUTIES IN THE PROPOSED EMPLOYMENT BRING HIM INTO CONFLICT WITH GOVT.
  3. WHETHER THE PENSIONER WHILE IN SERVICE HAD ANY SUCH DEALING WITH THE EMPLOYER UNDER WHOM HE PROPOSES TO SEEK EMPLOYMENT WHICH GIVES A REASON FOR SUSPICION THAT SUCH PENSIONER HAD SHOWN FAVOUR TO SUCH EMPLOYER.



- ◉ WHETHER THE DUTIES OF THE EMPLOYMENT INVOLVE LIAISON WITH GOVT. DEPARTMENTS.
- ◉ WHETHER HIS DUTIES WILL BE SUCH THAT HIS PREVIOUS OFFICIAL POSITION /KNOWLEDGE/ EXPERIENCE UNDER GOVT COULD BE USED TO GIVE PROPOSED EMPLOYER AN UNDUE ADVANTAGE.
- ◉ EMOLUMENTS OFFERED BY THE PROPOSED EMPLOYER.

- IF THE GOVT DOES NOT REFUSE TO GRANT THE PERMISSION APPLIED FOR OR DOES NOT COMMUNICATE THE REFUSAL TO THE APPLICANT WITHIN A PERIOD OF SIXTY DAYS OF THE DATE OF RECEIPT OF AN APPLICATION THE GOVT SHALL BE DEEMED TO HAVE GRANTED SUCH A PERMISSION.
- PROVIDED THAT IN A CASE WHERE DEFECTIVE /INSUFFICIENT INFORMATION IS FURNISHED BY THE APPLICANT AND IT IS ESSENTIAL FOR THE GOVT TO SEEK FURTHER CLARIFICATION THE PERIOD SHALL BE COUNTED FROM THE DATE ON WHICH THE DEFECT HAS BEEN REMOVED OR COMPLETE INFORMATION HAS BEEN FURNISHED.

- ◉ IF THE GOVT GRANTS THE PERMISSION SUBJECT TO ANY CONDITION OR REFUSES SUCH PERMISSION, THE APPLICANT MAY, WITHIN THIRTY DAYS OF THE RECEIPT OF THE ORDER OF THE GOVT TO THAT EFFECT MAKE A REPRESENTATION.
- ◉ IF ANY COMMERCIAL EMPLOYMENT IS TAKEN BEFORE THE EXPIRY OF TWO YEARS FROM THE DATE OF HIS RETIREMENT WITHOUT THE PRIOR PERMISSION OF GOVT OR COMMITS A BREACH OF ANY CONDITION SUBJECT TO WHICH THE PERMISSION WAS GRANTED THE GOVT MAY BY AN ORDER IN WRITING WITHHOLD WHOLE/ PART OF PENSION AND FOR SUCH PERIODS AS MAY BE SPECIFIED IN THE ORDER. BUT BEFORE PASSING SUCH AN ORDER PENSIONER SHALL BE GIVEN AN OPPORTUNITY OF BEING HEARD.

- ◉ EMPLOYMENT WITH BLACK LISTED FIRM SHALL NOT BE CONSIDERED.
- ◉ EMPLOYMENT WITH UNIVERSITY IS NOT COMMERCIAL.
- ◉ GAZETTED OFFICERS OTHER THAN STATE SERVICE OFFICERS MAY NOT BE REQUIRED TO TAKE PRIOR PERMISSION THEY SHOULD GIVE AN INTIMATION TO THE CADRE CONTROLLING AUTHORITY/DEPARTMENT WHICH THEY SERVED LAST BEFORE THEIR RETIREMENT.
- ◉ RESTRICTION ON PRACTICE IN SALES TAX AND OTHER CASES AFTER RETIREMENT.

# QUALIFYING SERVICE

- ◉ QUALIFYING SERVICE MEANS SERVICE RENDERED WHILE ON DUTY OR OTHERWISE WHICH SHALL BE TAKEN INTO ACCOUNT FOR THE PURPOSE OF PENSION AND GRATUITY ADMISSIBLE UNDER THESE RULES
- ◉ QUALIFYING SERVICE OF A GOVT SERVANT SHALL COMMENCE FROM THE DATE HE TAKES CHARGE OF THE POST TO WHICH HE IS FIRST APPOINTED, EITHER SUBSTANTIVELY OR IN AN OFFICIATING OR TEMPORARY CAPACITY.

# QUALIFYING SERVICE

## CONDITIONS SUBJECT TO WHICH SERVICE QUALIFIES

- APPOINTMENT ON REGULAR PENSIONABLE POST IN APPROVED PAY SCALE IN ACCORDANCE WITH THE CONDITIONS DETERMINED BY THE GOVT.
- SERVICE WITHOUT BREAK IN ONE OR MORE DEPARTMENT / CADRE
- SERVICE PAID FROM THE CONSOLIDATED FUND
- A GOVT SERVANT BELONGING TO CENTRAL GOVT OR ANY OTHER STATE GOVT WITH WHOM THE RAJASTHAN GOVT HAS ENTERED INTO RECIPROCAL ARRANGEMENTS, WHO IS PERMANENTLY TRANSFERRED TO A SERVICE OR POST TO WHICH THESE RULES APPLY, THEN HIS SERVICE WOULD BE COUNTED AS QUALIFYING
- GOVERNMENT'S POWER TO DECLARE ANY SERVICE AS QUALIFYING SERVICE (RULE 14)

## ◉ **WILFUL ABSENCE FROM DUTY**

**A GOVT SERVANT WHO IS ABSENT FROM DUTY WITHOUT LEAVE OR BEFORE LEAVE APPLIED FOR HAS BEEN SANCTIONED BY COMPETENT AUTHORITY (FOR A PERIOD EXCEEDING ONE MONTH) SHALL BE TREATED TO HAVE REMAINED WILFULLY ABSENT FROM DUTY AND SUCH ABSENCE SHALL AMOUNT TO INTERRUPTION IN SERVICE INVOLVING FORFEITURE OF PAST SERVICE**

- A GOVT SERVANT WHO REMAINS ABSENT FROM DUTY AFTER THE EXPIRY OF THE SANCTIONED LEAVE OR AFTER COMMUNICATION OF REFUSAL OF EXTENSION OF LEAVE IS NOT ENTITLED TO ANY PAY AND ALLOWANCES FOR THIS PERIOD .THE PERIOD OF ABSENCE NOT COVERED BY GRANT OF LEAVE HAVE TO BE TREATED AS “DIES NON” FOR ALL PURPOSES VIZ INCREMENT,LEAVE AND PENSION



## ◎ EFFECT OF INTERRUPTION IN SERVICE

IT ENTAILS FORFEITURE OF PAST SERVICE, EXCEPT IN FOLLOWING CASES-

- AUTHORISED LEAVE OF ABSENCE
- UNAUTHORISED ABSENCE IN CONTINUATION OF AUTHORISED LEAVE OF ABSENCE SO LONG AS THE POST OF ABSENTEE IS NOT FILLED SUBSTANTIVELY
- SUSPENSION ,IMMEDIATELY FOLLOWED BY REINSTATEMENT,WHETHER IN THE SAME OR DIFFERENT POST
- TRANSFER BY COMPETENT AUTHORITY IN PUBLIC INTEREST TO NON QUALIFYING SERVICE IN AN ESTABLISHMENT UNDER THE CONTROL OF THE GOVERNMENT
- JOINING TIME WHILE ON TRANSFER FROM ONE POST TO ANOTHER
- ABOLITION OF OFFICE OR LOSS OF APPOINTMENT OWING TO REDUCTION IN ESTABLISHMENT

# CONDONATION OF INTERRUPTION IN SERVICE(RULE 27)

- ◉ IF THERE IS NO SPECIFIC CONTRARY INDICATION IN SERVICE BOOK AN INTERRUPTION BETWEEN TWO SPELLS OF SERVICE RENDERED BY GOVERNMENT SERVANT SHALL BE TREATED AS AUTOMATICALLY CONDONED, PROVIDED THAT
  - TOTAL BREAK OF MORE THAN TWO YEARS SHALL NOT BE CONDONED
  - IN EACH CASE OF INTERRUPTION IN SERVICE THE APPOINTING AUTHORITY SHALL ISSUE SHOW CAUSE NOTICE AND TAKE INTO CONSIDERATION HIS REPRESENTATION
  - IN CASE OF PARTICIPATION IN STRIKE THE APPOINTING AUTHORITY SHALL ISSUE A SHOW CAUSE NOTICE TO THE RESPECTIVE EMPLOYEE
  - THE INTERRUPTION HAS NOT BEEN CAUSED BY RESIGNATION, DISMISSAL OR REMOVAL FROM SERVICE

# EMOLUMENTS

- EMOLUMENTS FOR THE PURPOSE OF PENSION AND DCRG MEANS SUM OF PAY IN THE RUNNING PAY BAND PLUS GRADE PAY AND NPA/NCA WHICH A GOVT SERVANT WAS RECEIVING OR WHICH HE WAS ENTITLED TO IMMEDIATELY BEFORE HIS RETIREMENT OR ON THE BASIS OF AVERAGE OF LAST TEN MONTHS IMMEDIATELY BEFORE THE DATE OF RETIREMENT,WHICHEVER IS BENEFICIAL

- A GOVT SERVANT IMMEDIATELY BEFORE HIS RETIREMENT OR DEATH WHILE IN SERVICE HAD BEEN ABSENT FROM DUTY ON LEAVE FOR WHICH LEAVE SALARY IS PAYABLE OR HAVING BEEN SUSPENDED HAD BEEN REINSTATED WITHOUT FORFEITURE OF SERVICE

- A GOVT SERVANT UNDER SUSPENSION IMMEDIATELY BEFORE HIS RETIREMENT AND THE DEPARTMENTAL OR JUDICIAL PROCEEDINGS NOT CONCLUDED AND FINAL ORDERS PASSED THEREON

- A GOVT SERVANT DRAWING OFFICIATING PAY PRECEDING HIS RETIREMENT AND THE APPOINTMENT TO HIGHER POST WAS NOT MADE IN LEAVE VACANCY OR TO HOLD CHARGE OF THE HIGHER POST TEMPORARILY IN ADDITION TO THE DUTIES OF HIS OWN POST